

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILD FISH CONSERVANCY,

Plaintiff,

v.

DAVE IRVING, in his official
capacity as the Manager of the
Leavenworth Fisheries Complex, ET
AL.,

Defendants,

v.

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA
NATION and CONFEDERATED
TRIBES OF THE COLVILLE
RESERVATION,

Intervening Defendants,,

No. 2:14-CV-0306-SMJ

**ORDER REGARDING JOINT
STATUS REPORT**

The Court stayed this case pending the release of a National Marine Fisheries Service biological opinion. ECF No. 66. This biological opinion was released on May 29, 2015. ECF No. 72 at 2. Given the contents of this opinion, Plaintiff opted to file a Second Amended Complaint, ECF No. 77. In the Second Amended Complaint, Plaintiff has dropped four claims for relief, retained one

1 claim for relief, and added two claims against a new party—the National Marine
2 Fisheries Service. ECF No. 78. By agreement, both Federal and Intervening
3 Defendants have 60 days from the filing of that pleading to submit an answer. *See*
4 ECF No. 76 at 2.

5 With these developments, the Court does not believe that it is necessary to
6 have the July 29, 2015 status conference and one will be scheduled once answers
7 have been filed. Further, the Court finds the Plaintiff's Motion for a Determination
8 of Scope of Review, ECF No. 41, to be moot. Finally, the Court will deny
9 Plaintiff's First Motion for Preliminary Injunction, ECF No. 31, with leave to
10 renew because it was based on the allegations contained in the First Amended
11 Complaint.

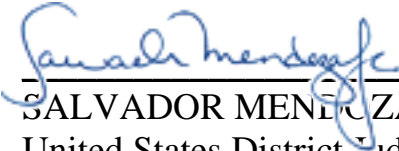
12 Accordingly, **IT IS HEREBY ORDERED:**

- 13 **1.** The Clerk's Office shall **ADD** the National Marine Fisheries Service
14 as a Defendant in this matter.
- 15 **2.** The July 29, 2015 status conference is **STRICKEN**.
- 16 **3.** Plaintiff's Motion for a Determination of Scope of Review, **ECF No.**
17 **41**, is **DENIED as moot**.
- 18 **4.** Plaintiff's First Motion for Preliminary Injunction, **ECF No. 31**, is
19 **DENIED** with leave to renew.

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1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel.

3 **DATED** this 22nd day of July 2015.

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5 SALVADOR MENDEZ, JR.
6 United States District Judge
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